

REMARKS

This amendment responds to the Office Action mailed on April 19, 2005. Filed concurrently herewith is a *Request for a Two Month Extension of Time* which extends the shortened statutory period for response to expire on September 19, 2005. Accordingly, Applicant respectfully submits that this response is being timely filed.

Claims 1, 3-7 and 17-19 were pending. By the above amendment, claims 1 and 17 were amended to more clearly define protection to which Applicant is entitled. Furthermore, claims 5 and 19 were canceled without prejudice or disclaimer, and new claims 20-24 were submitted for examination on their merits. Accordingly, claims 1, 3-4, 6-7, 17-18 and 20-24 are now pending in the present application, and Applicant believes these claims are in proper condition for allowance for the reasons set forth below.

Claim Rejections Under 35 U.S.C. §102 & 103

The Office Action rejected claims 1, 3-7, 17-19 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Eliasson et al. (U.S. Patent 4,945,290). Applicant respectfully traverses these rejections and reconsideration is requested based on the following remarks.

The present application is directed to a dielectric barrier discharge-driven light source comprising a first electrode coupled to an outside portion of said first flat panel dielectric barrier and a second electrode coupled to said second flat panel dielectric barrier, where a plurality of stems are positioned between the first and second flat panel dielectric barriers. The stems are arranged so that they are equidistant from each other in order to provide mechanical stability and support for the dielectric barriers.

Applicant initially notes that the present application previously contained three (3) independent claims: 1, 17 and 19. Claim 19 has been canceled without prejudice or disclaimer, and claims 1 and 17 have been amended to recite that the support stems are equidistant from one another. Claim 1 has been amended to recite that the stems are disposed equidistantly from each

other, while claim 17 has been amended to recite that the stems are arranged such that a distance between a combination of two of the support stems is equal to a distance between a different combination of two of the support stems.

The present application describes the importance of positioning stems equidistant from one another on page 6, lines 4-13 of the present specification:

The present invention relates to DBD light sources having flat-plate, large-area panels and a system for designing such DBD light sources that withhold the mechanical stress caused during the lamp envelop cleaning (evacuation at elevated temperatures) and the pressure of final gas filling (if other than atmospheric).

One or more embodiments of the present invention place mechanical stems inside of the lamp envelope which greatly reduce the mechanical stress at the sealing surface, as well as over the entire large area panel surface. In one embodiment, the stems are arranged so that they are equidistant. This enables the mechanical stability of the lamp envelope during the cleaning (vacuum) process, as well as the filling of the lamp envelopes at other than atmospheric gas pressure. (emphasis added)

As further described on page 9, lines 10-20 of the present specification, this equidistant design of the stems enables the mechanical stability of the lamp envelope during the cleaning process which is typically performed by heating the lamp body to a temperature of about 800 degrees Celsius while evacuating the enclosed volume of the lamp envelope at less than 10^{-5} Torr. The stresses caused by this process had previously restricted DBD lamp configurations to be tube-like shapes, such as that disclosed in the second embodiment of the cited *Eliasson* reference. The equidistant stem design of the present invention equally distributes exerted stresses and also allows for the filling of the lamp envelope at pressures other than atmospheric pressure, which also restricted past DBD lamp configurations.

Referring now to Figures 4a and 4b of the present application, it can be seen that a plurality of mechanical stems 400A-400I are described where the stems are arranged equidistant from one another. For example, stem 400B is arranged to be the same distance away from stem 400A as it is from stem 400C. Further, the stems are arranged such that a distance between a

combination of two of the support stems is equal to a distance between a different combination of two of the support stems. For example, the distance between stems 400A and 400B would be equal to the distance between stems 400G and 400H. This equidistant spacing equally distributes forces and reduces mechanical stresses to enable mechanical stability of the lamp envelope during the cleaning (vacuum) process, as well as the filling of the lamp envelopes at other than atmospheric gas pressure.

Applicant notes that *Eliasson* fails to teach or suggest arranging a plurality of stems between two dielectric barriers such that the stems are positioned equidistant from each other. There is no description whatsoever within the specification of *Eliasson* that describes the spacing relationship between any of its purported stems (spacers 3, 10). Thus, Applicant respectfully submits that *Eliasson* fails to teach each and every element of independent claims 1 and 17 as amended above. Accordingly, the Office Action fails to anticipate independent claims 1 and 17, where Applicant further submits that a *prima facie* case of obviousness cannot be sustained against independent claims 1 and 17 as amended above.

According to the Manual of Patent Examining Procedure § 2142:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits that the requirements for establishing an obviousness rejection cannot be sustained against claims 1 and 17. First, the prior art reference must teach or suggest all the limitations of the claims. See *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Here, *Eliasson* fails to teach a dielectric barrier discharge-driven light source in which a plurality of stems are equidistantly positioned between the flat panel dielectric barriers.

In paragraph 4 of the Office Action, it is asserted that Fig. 1 of *Eliasson* discloses that the spacers (3) are equidistant. Applicant notes that the term “equidistant” is defined to be “equally distant” (i.e., two distances that are equal). At best, Fig. 1 of *Eliasson* would appear to disclose a

single distance between the two spacers (3) that are depicted. However, there are no other spacers (3) depicted in Fig. 1 of *Eliasson*, and hence there are no other distances between two spacers (3) depicted other than the single distance depicted. Thus, Fig. 1 of *Eliasson* fails to teach or suggest a plurality of stems that are positioned equidistant from each other (i.e., possessing a distance between any two stems that is equal to a distance between any other two stems).

Still further, Applicant notes that when a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (The disclosure gave no indication that the drawings were drawn to scale. "[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue."). Since *Eliasson* is wholly silent within its specification regarding the spacing relationship between any of its purported stems (spacers 3, 10), the drawings cannot be relied upon to teach specific dimensions or measurements.

As such, Applicant respectfully submits that *Eliasson* fails to teach each and every limitation of independent claims 1 and 17. Namely, *Eliasson* fails to teach that its stems are disposed equidistantly from each other, as required by amended claim 1, and *Eliasson* further fails to teach that its stems are arranged such that a distance between a combination of two of the support stems is equal to a distance between a different combination of two of the support stems, as required by amended claim 17. Reconsideration of independent claims 1 and 17 and their respective dependent claims is respectfully requested.

New claims 20-22 are also submitted for examination on their merits, where new claims 20-22 further describe equidistant stem arrangements between first and second flat panel dielectric barriers of a dielectric barrier discharge-driven light source. Applicant respectfully submits that new claims 20-22 are allowable over the cited prior art of record for the same arguments set forth above with respect to independent claims 1 and 17.

New claims 23-24 are also submitted for examination on their merits, where new claims 23-24 recite that the stems are only fixed to one of the first and second flat panel dielectric barriers. With such an arrangement, the stems are only fixed to one dielectric barrier while the other dielectric barrier merely "lays" on the stems. By only fixing the stems to one of the first and second flat panel dielectric barriers, fewer breakage problems occur during the formation process than when both of the first and second flat panel dielectric barriers are fixed to the stems. Applicant respectfully submits that new claims 23-24 are allowable over the cited prior art of record.

CONCLUSION

In each case, the pending rejections should be reconsidered in view of the amendments and remarks herein. Applicants believe that this case is in good condition for allowance, and a Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution. The Commissioner is directed and authorized to charge all additional required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 50-2638. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: September 12, 2005

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